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FISCAL IMPACT STATEMENT

LS 6803

BILL NUMBER: HB 1278

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Sex Offender Voting by Absentee Ballot.

FIRST AUTHOR: Rep. Smaltz

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *"Serious Sex Offender"* – It defines "serious sex offender". It provides that a serious sex offender is entitled to vote by mail.
- B. *New Crime* – It makes entry on school property by a serious sex offender a Class D felony.
- C. *Circuit Court Clerk* – It requires a circuit court clerk to, before an election, notify a serious sex offender whose polling place is located on school property: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of other voting alternatives.
- D. *DOC's Requirement* – It requires the Department of Correction (DOC) to inform a serious sex offender at the time of discharge from the Department: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of voting options for the serious sex offender.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *New Crime* – The bill makes entry on school property by a serious sex offender a Class D felony, which is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class D felony offenders

is approximately ten months.

DOC Responsibilities for Informing Sex Offenders – DOC currently provides sex offenders with a series of instructions about their responsibilities when they are released from DOC. DOC should be able to inform these sex offenders about this new responsibility.

Explanation of State Revenues: *New Crime* – If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Clerk of the Circuit Court* – The added responsibilities of the clerk of the circuit court will vary with the number of sex offenders residing in the county. The Department of Correction reports that in September 2012, there were 6,169 registered sex offenders statewide who were originally sentenced for one of the sex offenses included in this bill.

The number of registered sex offenders in each county varies from as few as 5 in Union County to as many as 1,002 in Marion County.

One-Day Count of Registered Sex Offenders	
Sex Offender Population Categories	Number of Counties
Fewer than 10	5
Between 11 and 20	14
Between 21 and 50	41
Between 51 and 75	13
Between 76 and 100	4
Between 101 and 500	14
1,002 sex offenders	Marion County
Source: Department of Correction	

New Crime – If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *New Crime* – If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Department of Correction.

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